IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 3319 of 2005

Between:

M/s Cosmopolitan Club, (Regd.No. 2/33), Rep. by its Secretary, Ethakota Srinivasa Rao,
S/o Bheemeswara Rao, Aged 39 years, Eluru, West Godavari District.

..... PETITIONER

AND

1 The Superintendent of Police, Eluru, West Godavari District.
2 The Inspector of Police, Eluru Town, Eluru, West Godavari District.
3 The Sub Divisional Police Officer, Eluru Sub-Division, Eluru, West Godavari District.
4 the Station House Officer, II Town Police Station, Narasimharaopet, Eluru, West Godavari District.
5 The Deputy Inspector of Police, Eluru Range, Eluru, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction in the nature of mandamus or otherwise directing the respondents to check, search or inspect the premises more particularly the card room of the petitioner's club as per the orders in W.P.No. 10074/2004 dt. 21-6-2004 and W.P.No. 20405/2004 dt. 5-11-2004 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner:MR.P.V.KRISHNAIAH

Counsel for the Respondent No.: GP FOR HOME

The Court at the stage of admission made the following :

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ORDER:.

Heard both sides and at their request this case is taken up for disposal at the stage of admission.

In this Writ Petition the petitioner is seeking a writ of Mandamus directing the respondents to check, search or inspect the premises more particularly the card room of the petitioner's club as per the orders in W.P.No. 10074 of 2004 dated 21.6.2004 and W.P.No. 20405 of 2004 dated 5.11.2005.

It has been represented by the learned counsel for the petitioner and also by the learned Government Pleader for Home that the issue involved in this Writ Petition is squarely covered by a judgment of Division Bench of this Court in Writ Appeal No. 1167 of 2002, dated 29.7.2002, wherein it is held as follows:

> "Therefore, the police authorities cannot obstruct the Writ Petitioner-club form conducting card room where the members and guests of the writ petitioner's cultural center are allowed to pay the game of rummy with stakes syndicate (thirteen card game). At the same time, we make it clear that the police is

always at liberty to enter the premises and check as to whether the cultural center of the club is conducting card room where the members and guests of the petitioner's cultural center are playing the game of rummy with stakes/syndicate (thirteen card game), for the purpose of verification. If they receive any intimation, the police may enter the club and verify the same and proceed further if the members and guests of writ petitioner's cultural center play other than the game of rummy with stakes syndicate (thirteen card game). The police authorities are also at liberty to proceed with the cases, which are already registered. The Writ Appeal is disposed of accordingly."

Following the same, and for the reasons mentioned therein, the Writ Petition is disposed of in terms of the above decision of the Division Bench. However, it is made clear that the respondents are at liberty to take appropriate action against the members of the petitioner-Association if they promote any illegal activity at the premises of the petitioner-Association. It is also made clear that in case any search or inspection is conducted in the premises of the petitioner, it should be done in the presence of the mediators, who are having respectable status in the society. No costs.

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D.S.R. VARMA, J

DATED: 18.03.2005

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To

1 The Superintendent of Police, Eluru, West Godavari District.
2 The Inspector of Police, Eluru Town, Eluru, West Godavari District.
3 The Sub Divisional Police Officer, Eluru Sub-Division, Eluru, West Godavari District.
4 the Station House Officer, II Town Police Station, Narasimharaopet, Eluru, West Godavari District.
5 The Deputy Inspector of Police, Eluru Range, Eluru, West Godavari District.

4. 2 CCs to G.P. for Home, High Court of A.P., Hyderabad.

5. 2 CD copies.